

**Senate Foreign Affairs, Defence and Trade References Committee
Inquiry: Australia's Engagement in Afghanistan**

*Submission of Emeritus Professor William Maley, Dr Niamatullah Ibrahimi, Dr Nishank Motwani,
and Dr Srinjoy Bose*

1. The authors of this submission are specialists on Afghanistan. Professor Maley and Dr Ibrahimi co-authored *Afghanistan: Politics and Economics in a Globalising State* (London: Routledge, 2020). Professor Maley is an Emeritus Professor of The Australian National University, edited *Fundamentalism Reborn? Afghanistan and the Taliban* (London: Hurst & Co., 1998), and is author of *Rescuing Afghanistan* (London: Hurst & Co., 2006); *Transition in Afghanistan: Hope, Despair and the Limits of Statebuilding* (London: Routledge, 2018); *Australia-Afghanistan relations: Reflections on a half-century* (Canberra: Australian Strategic Policy Institute, 2019); and *The Afghanistan Wars*, 3rd edition (London: Macmillan/Red Globe Press, 2021). Dr Ibrahimi is Lecturer in International Relations, La Trobe University, and is author of *The Hazaras and the Afghan State: Rebellion, Exclusion and the Struggle for Recognition* (London: Hurst & Co., 2017). He is a graduate of the London School of Economics and Political Science and of The Australian National University, and worked in Afghanistan as an analyst for the International Crisis Group. Dr Motwani is Director of Research and Policy at ATR Consulting, and served from 2019-2021 as Deputy Director of the Afghanistan Research and Evaluation Unit (AREU) in Kabul, and before that as a Senior Management Consultant (Public Policy and Strategy) with the Nous Group. He is a graduate of Northeastern University, The Australian National University, and the University of New South Wales. Dr Bose is Senior Lecturer in Politics and International Relations at the University of New South Wales, and is a graduate of the University of Otago, the National University of Singapore, and The Australian National University. He was co-editor of a special issue on 'Elections and the State: Critical Perspectives on Democracy Promotion in Afghanistan' in 2016 in the journal *Conflict, Security & Development*. He and Dr Motwani are co-editors of *Afghanistan – Challenges and Prospects* (London: Routledge, 2018).

2. From the matters mentioned in the Committee's Terms of Reference, this submission specifically addresses (a) (i) and (ii); (b) (ii) and (iii), (c) (i) (ii) and (iv), and (d).

(a) (i) Australia's twenty-year military, diplomatic and development engagement in Afghanistan, with reference to our success in achieving the Australian Governments' stated objectives

3. Given that Australia's involvement in Afghanistan saw the deaths of 41 service personnel, and cost in the order of A\$12.2-13.6 billion,¹ it remains surprising that the strategic goals of the engagement were not more precisely delineated and defended by successive Australian governments. Prime Minister Gillard in October 2010 stated that 'Australia has two vital national interests in Afghanistan – (1) to make sure that Afghanistan never again becomes a safe haven for terrorists, a place where attacks on us and our allies begin, and (2) to stand firmly by our alliance commitment to the United States, formally invoked following the attacks on New York and Washington in 2001'.² This was not

¹ Peter Hall, 'The Economic Cost to Australia of the War in Afghanistan', in Jack Cunningham and William Maley (eds), *Australia and Canada in Afghanistan: Perspectives on a Mission* (Toronto: Dundurn, 2015) pp.113-131 at p.127.

²House of Representatives *Hansard*, 19 October 2010, p.22.

only an uninspiring strategic narrative,³ but one that provided little in the way of direct guidance as to exactly what military, developmental and democracy-promotion activities Australia should seek to pursue in Afghanistan. In particular, by crafting a strategic narrative based on 'vital national interests', the then government implicitly signalled that aiding the *people of Afghanistan* was no more than a means to an end grounded in self-interest. This doubtless was one reason why the Senate Foreign Affairs, Defence and Trade References Committee in a May 2013 report stated that 'the committee has seen little evidence that the Australian Government agencies delivering aid to Afghanistan have attempted any genuine critical evaluation of the effectiveness of their Australian programs, including an assessment of their cost-effectiveness', and concluded that 'without a robust evaluation of Australia's aid projects in Afghanistan, there can be no genuine understanding of whether the various programs represent value for money and are likely to make a lasting difference for the better for the Afghan people'.⁴

4. The emphasis on the alliance also arguably *subordinated* Australia's own strategic thinking to that of its US ally, which recent events would suggest was not a wise step to take. A state that does not sufficiently think for itself risks being taken for granted in other spheres. For example, in the 29 February 2020 US-Taliban 'Agreement for Bringing Peace to Afghanistan',⁵ the United States did not merely promise the Taliban that *US* forces would be withdrawn; it committed 'to withdraw from Afghanistan all military forces of the United States, *its allies* [emphasis added], and Coalition partners, including all non-diplomatic civilian personnel, private security contractors, trainers, advisors, and supporting services personnel'.

5. *We have seen nothing in the public domain to suggest that the Australian government had approved, in advance, the making of this commitment.* If, indeed, the US negotiator made this promise to the Taliban with a view simply to presenting it to allies (including Australia) as a *fait accompli*, it does not suggest much sensitivity in Washington DC to the rights of allies as sovereign states. If, on the other hand, Australia *had* delegated the making of a commitment about the *strategic* deployment of the Australian Defence Force to an unelected US official (in this case Dr Zalmay Khalilzad, who signed the 29 February 2020 agreement on behalf of the United States), major questions about who exactly controls Australian forces could obviously arise.

6. Recommendation 1: We strongly recommend that the Committee *investigate the exact process by which the decision to withdraw remaining Australian forces and personnel from Afghanistan was taken, and identify the exact point in time at which the decision was made.*

(a) (ii) Australia's twenty-year military, diplomatic and development engagement in Afghanistan, with reference to the collapse of the Afghan Government and Afghan National Army, and the Taliban's resurgence and takeover of Kabul, following the withdrawal of coalition troops from Afghanistan

³See William Maley, 'The war in Afghanistan: Australia's strategic narratives', in Beatrice de Graaf, George Dimitriu and Jens Ringsmose (eds), *Strategic Narratives, Public Opinion and War: Winning domestic support for the Afghan War* (New York: Routledge, 2015) pp.81-97.

⁴*Australia's overseas development programs in Afghanistan* (Canberra: Senate Foreign Affairs, Defence and Trade References Committee, May 2013) p.xviii and para.17.48.

⁵*Agreement for Bringing Peace to Afghanistan between the Islamic Emirate of Afghanistan which is not recognized by the United States as a state and is known as the Taliban and the United States of America* (Washington DC: Department of State, 29 February 2020).

7. In recent testimony in the United States, senior officials of the Biden administration drew attention to the way in which the commitment of US forces to Iraq in 2003 impacted on the dynamics of the situation in Afghanistan as well.⁶ One consequence was that the United States for several years resisted the expansion beyond Kabul of the International Security Assistance Force (ISAF) for which provision had been made in the Bonn Agreement on Afghanistan of December 2001, and although such expansion was finally authorised in 2003, by then the difficulties that the United States was facing in Iraq meant that its own capacity to contribute in Afghanistan was somewhat diminished. (This, incidentally, is one reason why talk of a 'forever war' in Afghanistan is misleading: for significant periods between 2001 and 2021, the attention paid by the United States to Afghanistan was fitful and sporadic. Indeed, in 2007, Admiral Michael G. Mullen, Chairman of the US Joint Chiefs of Staff, stated that 'In Afghanistan we do what we can. In Iraq we do what we must'.⁷) The 'second-best solution' that was then adopted was the deployment in different parts of Afghanistan of 'Provincial Reconstruction Teams' (PRTs),⁸ and it was in this context that substantial numbers of Australian personnel served in the province of Uruzgan. At the microcosmic level, the deployed personnel undertook a range of constructive activities,⁹ but effective aid delivery proved extremely challenging.¹⁰ And at a deeper level, the hard lesson that flowed from the PRT experience across the country was that it was simply not possible to stabilise Afghanistan on a province-by-province basis if ambient sources of insecurity were left unaddressed.

8. The key ambient source of insecurity in Afghanistan came from the existence of Taliban sanctuaries in Pakistan. In August 2007, even President Musharraf of Pakistan stated during a visit to Kabul that 'There is no doubt Afghan militants are supported from Pakistani soil. The problem that you have in your region is because support is provided from our side'.¹¹ In 2015, a careful study concluded that the Taliban leadership 'is acutely aware that its military campaign is dependent upon retaining access to Pakistani territory'.¹² The failure effectively to address the issue of Taliban sanctuaries in Pakistan was a disastrous lapse on the part of the United States: the Chairman of the US Joint Chiefs of Staff, General Mark A. Milley, in his September 2021 congressional testimony, cited 'never effectively dealing with Pakistan' as a critical error. This failure meant that the Taliban could attack with near impunity because the insurgents had the benefit of melting across the border into a Pakistan that armed, funded, and enabled a creeping invasion of a sovereign state. It is important to note that this was *not* a problem that the Government of Afghanistan was in a position to address on its own, and that it was also *not* a problem that the US military or the forces of its allies could address through 'hot pursuit' activities. It required firm and concerted diplomatic measures, backed up by the prospect of serious consequences for Pakistan if it continued to play such a malignant role.

⁶Karoun Demirjian and Alex Horton, 'U.S. lost war in Afghanistan through miscalculations spanning multiple administrations, Milley tells lawmakers', *The Washington Post*, 29 September 2021.

⁷Robert Burns, 'Mullen: Afghanistan Isn't Top Priority', *The Washington Post*, 11 December 2007.

⁸See William Maley and Susanne Schmeidl (eds), *Reconstructing Afghanistan: Civil-Military Experiences in Comparative Perspective* (London: Routledge, 2015).

⁹Peter Connolly, *Counterinsurgency in Uruzgan 2009* (Canberra: Study Paper no.321, Land Warfare Studies Centre, 2011); David Connery, David Cran and David Evered, *Conducting Counterinsurgency: Reconstruction Task Force 4 in Afghanistan* (Canberra: Army History Unit, 2012).

¹⁰See David Savage, 'AusAID stabilisation', in John Blaxland, Marcus Fielding and Thea Gellerfy (eds), *Niche Wars: Australia in Afghanistan and Iraq, 2001-2014* (Canberra: ANU Press, 2020) pp.229-247.

¹¹Taimoor Shah and Carlotta Gall, 'Afghan Rebels Find Aid in Pakistan, Musharraf Admits', *The New York Times*, 13 August 2007.

¹²Theo Farrell and Michael Semple, 'Making Peace with the Taliban', *Survival*, vol.57, no.6, December 2015-January 2016, pp.79-110 at p.92.

9. Recommendation 2: We recommend that the Committee *investigate whether Australia ever advocated to the US that it adopt a firm, as opposed to supine, approach in dealing with Pakistan's perfidious activities.*

10. The fuse for disaster in Afghanistan was lit by the Doha Agreement of 29 February 2020, one of the most ill-conceived and poorly-implemented exercises in diplomacy since the Munich agreement of September 1938. It was welcomed without qualification in a joint media release on 1 March 2020 by the Australian Ministers for Foreign Affairs and for Defence. It was plainly an exit agreement for the United States rather than a meaningful contribution to peace in Afghanistan. The abandonment by the US of a 'nothing is agreed until everything is agreed' formula in favour of a two-stage process¹³ created a perverse incentive for *violent* behaviour by the Taliban, fully on display in the months that followed. The Government of Afghanistan was not a party to the Agreement, having been excluded from its drafting. The Agreement was completely silent on the issue of Taliban sanctuaries in Pakistan, and contained no provision for any kind of ceasefire in Afghanistan. It did not even mention the Afghan government by name. Its withdrawal provisions were not conditioned on any *progress* being made in 'intra-Afghan negotiations', or on any Taliban commitment to protect democratic processes, or human rights, or the rights of women. It also provided for the release *by the Afghan government* of 'up to five thousand' Taliban 'combat and political prisoners': this foolish provision had a devastating effect on Afghan morale, destroyed Afghan trust in the US negotiator, and set the scene for the release – under US pressure – of the rogue Sergeant Hekmatullah who had murdered three Australian soldiers in their base.¹⁴ The net effect of the Agreement was to strengthen the position of the Taliban and weaken the position of the Afghan government. The Agreement also legitimised the Taliban and elevated their status, without any conditions, in a way which strengthened their reputation of power. This was a far more serious problem than the United States and its allies appeared to realise, for although there was very little mass support for the Taliban in Afghanistan,¹⁵ there was a long history of key actors switching sides in order to avoid being aligned with what appeared likely to be a loser. The result was the string of defections that materialised in July–August 2021.

11. In Australia, some policymakers claimed to have been taken by surprise of the pace with which things unravelled in Afghanistan. Defence Force Chief General Angus Campbell has been quoted as saying on 6 September 2021 that 'he didn't know of anyone who predicted how quickly the collapse would occur "other than in the glory of 20:20 hindsight"'.¹⁶ Doubtless he was taken by surprise, but he should not have been: the writing was on the wall for all to see. A number of experienced observers of Afghanistan had warned of the dangers of a precipitous withdrawal, including the authors of this submission.

12. Recommendation 3: We strongly recommend that the Committee *determine whether General Campbell's view reflected failings of intelligence and analysis on Australia's part, or whether Australia ended up relying too much on defective US intelligence.*

¹³See Mujib Mashal, 'Confusion over Afghan-Taliban talks further complicates peace process', *The New York Times*, 27 July 2019.

¹⁴See Hugh Poate, *Failures of Command: The death of Private Robert Poate* (Sydney: New South Publishing, 2021).

¹⁵In a 2019 Asia Foundation survey of opinion in Afghanistan, 85.1% of respondents stated that they had no sympathy at all with the Taliban: *Afghanistan in 2019: A Survey of the Afghan People* (Kabul: The Asia Foundation, 2019) p.69.

¹⁶Anthony Galloway, 'ADF chief says he was surprised by speed of Taliban takeover', *The Sydney Morning Herald*, 6 September 2021.

13. In a study published even before the Doha agreement was signed, Dr Ibrahimi and Professor Maley argued that ‘a negotiation process can have the paradoxical effect of incentivising violence, by prompting actors to seize as much territory as they can before negotiations reach a critical phase. Such a process also runs the risk of triggering fragmentation if political actors conclude that they will serve their interests better by acting unilaterally rather than collectively’.¹⁷ On 28 February 2020, Dr Bose noted that the United States–Taliban talks were devoid of transparency, with no input from the Afghan government – adding to the widely-held suspicion among Afghans and observers that the US had hastily agreed to the deal, and was interested only in its exit strategy: a ‘rotten compromise’.¹⁸ On 11 September 2020, Dr Motwani wrote that ‘Afghanistan desperately needs a Plan B, a strategy to protect the fragile democracy the country has built over the last two decades. Otherwise, a regression to the dark days of the past is practically inevitable ... In the end, the intra-Afghan talks will become less relevant as events on the ground overtake the negotiating positions of either party. By that time, it will be too late to rescue an overwhelmed partner’.¹⁹ On 8 July 2021, Professor Maley published an article which warned that ‘Afghanistan is teetering on the brink of an almost unimaginable disaster. The withdrawal of US and allied forces, scheduled by President Joe Biden to be completed by September 11, threatens to precipitate the unravelling of the most pro-Western government in Southwest Asia ... With dozens of districts falling to the Taliban in late June and early July, this could happen quickly. US intelligence estimates that it could take two or three years for the country to fall under Taliban control appear dangerously sanguine’.²⁰ And in a judgment in the Federal Court of Australia on 19 July 2021, Besanko J. quoted at para.30 from an opinion supplied by Professor Maley that stated, *inter alia*, that the ‘security situation in Afghanistan is deteriorating rapidly, and is exceptionally fluid ... there is a grave risk that Afghanistan will fall victim to what social scientists call a ‘cascade’, where even people who despise the Taliban decide to shift support to them because they think they are going to come out on top anyway ... This can lead to unexpected and very dramatic power shifts. It is pertinent to note that in 1992, when the beleaguered communist regime collapsed, only 29 days elapsed between the onset of the regime’s final crisis on 18 March, and the regime’s disintegration on 16 April’.²¹

14. Recommendation 4: We strongly recommend that the Committee *investigate why these rather obvious points were not grasped by the policymakers who expressed surprise at what happened in August 2021.*

(b) (ii) the adequacy of Australia’s preparation for withdrawal from Afghanistan, including the evacuation of Australian citizens, permanent residents and visa holders

(b) (iii) the adequacy of Australia’s preparation for withdrawal from Afghanistan, including decisions relating to evacuation of at-risk Afghan nationals and partners and family members of Australian citizens and permanent residents

15. The need for attentiveness to the evacuation of at-risk personnel is not a new issue. In its May 2013 report, the Committee noted that ‘at the beginning of December 2012, Professor Maley reminded the committee about the many Afghans who have exposed themselves to risk by working closely with

¹⁷Niamatullah Ibrahimi and William Maley, *Afghanistan: Politics and Economics in a Globalising State* (London: Routledge, 2020) p.164.

¹⁸Srinjoy Bose, ‘In Afghanistan, Peace or Fragmentation?’, *The Lowy Interpreter*, 11 September 2020.

¹⁹Nishank Motwani, ‘For real peace, Afghanistan needs a Plan B’, *The Lowy Interpreter*, 11 September 2020.

²⁰William Maley, ‘On the brink of disaster: how decades of progress in Afghanistan could be wiped out in short order’, *The Conversation*, 8 July 2021.

²¹*Roberts-Smith v. Fairfax Media Publications Pty Limited (No.20)* [2021] FCA 824.

Australian aid officials or agencies working on behalf of Australia. He stated that their future safety and well-being needed to figure prominently in planning for the next phase'.²² The Committee went on to recommend, *inter alia*, that 'all relevant agencies give close attention to strengthening inter-departmental communication and liaison, oversight of the program, and streamlining administrative processes'.²³ In its (undated) response to the May 2013 report, the then government responded to this recommendation with the word 'Noted' rather than 'Agreed', and stated that 'Comprehensive protocols and procedures govern implementation of the policy for resettlement of eligible locally engaged Afghan employees. A standing inter-departmental committee (IDC) comprising members from, Defence, DIAC, AFP, and DFAT/AusAID has been in place since January 2013 to assist each agency develop consistent procedures and protocols for implementing the policy. The procedures and protocols of each agency cover the administrative and legal requirements to enable efficient, thorough and consistent implementation of the policy'.

16. Recommendation 5: We recommend that the Committee *investigate what this IDC achieved (or failed to achieve); how relevant the 'procedures and protocols' were to a crisis situation such as that which emerged 2021; and what steps were (or were not) taken before the onset of the 2021 crisis to ensure that 'procedures and protocols' would match the urgency of the situation.*

17. This again is an area in which there were abundant warnings of looming danger, together with alarming signs of complacency in the policy sphere. On 13 July 2021, Professor Maley and Mr David Savage, a former AFP officer and aid official who had been severely injured in a Taliban suicide bombing in Uruzgan on 26 March 2012, published a co-authored article in *The Australian* that we will quote at some length. The authors stated that:²⁴

the government has been relying on a resettlement framework established by a 2012 legislative instrument promulgated in entirely different times by the Gillard government.

If the situation in Afghanistan has become so dire that it was necessary to shut down the Australian Embassy in Kabul with only three days' notice in late May, it should be obvious that a legal framework of such antiquity was likely to be badly out of date.

This particular instrument limited access to special visas for vulnerable Afghans to 'non-citizens employed with the Department of Foreign Affairs and Trade, the Australian Defence Force, the Australian Agency for International Development (AusAID) or the Australian Federal Police'.

The killer term here is employed. Large numbers of Afghans who are in acute danger worked for sub-contractors of the kind that routinely implement major components of Australia's aid program.

DFAT has been responding to pleas for help with a chilling form letter that states: 'The Australian Minister for Foreign Affairs and Trade has considered your application. Unfortunately, you are not eligible for certification under this visa policy as you were not considered an employee of one of the Australian Government agencies identified in the legislative instrument'.

The Taliban, of course, do not distinguish between employees and contractors when choosing whom to kill. This is no doubt why former Prime Minister John Howard recently stated 'I don't think it's something that should turn on some narrow legalism'. Such lethal legalism can be overcome with the stroke of a pen.

And if this legalism were not sufficiently surreal, on 3 June an official testified to a Senate committee that once visas had been granted to applicants who had overcome all the earlier obstacles, 'they will take commercial options to travel to Australia'.

²² *Australia's overseas development programs in Afghanistan*, para. 11.20.

²³ *Australia's overseas development programs in Afghanistan*, para. 11.25.

²⁴ David Savage and William Maley, 'Dark hour when we leave allies to their fate', *The Australian*, 13 July 2021.

One wonders whether those who are implementing the scheme have ever been anywhere near a war zone: when shells start to land at airports, 'commercial options' are usually among the earliest casualties.

18. The following day, an article by two ministers appeared in *The Daily Telegraph*, entitled 'Stick to process'.²⁵ This missed the obvious point that mechanistic processes devised for use in routine situations – for example, the demand for rigorous health checks – may be entirely inadequate in a crisis where organic innovation is essential.²⁶ To the extent that the evacuation by Australia of vulnerable people through Kabul Airport was successful, it appears that this was the case because ultimately officials did *not* simply 'stick to process', instead – to their credit – making creative use of Category 449 visas to move people swiftly. Nonetheless, we are personally aware of vulnerable individuals who were issued visas, but ended up left behind when evacuation flights ceased.

19. Recommendation 6: We strongly recommend that the Committee *determine whether better planning, carried out earlier, could have improved the quality of Australia's evacuation efforts.*

20. *The authors of this submission have nothing but praise for the courage, spirit and commitment of those Australian personnel, both military and civilian, who deployed to Hamed Karzai International Airport in Kabul in August 2021 to facilitate the evacuation of the vulnerable; and for senior officials in Canberra who did their best to make the evacuation process work.*

(c) (i) how the Australian Government should respond to recent developments in Afghanistan in order to protect Australia's national security

(c) (ii) how the Australian Government should respond to recent developments in Afghanistan in order to prevent or mitigate damage to Australia's international reputation, if necessary

21. It is tempting in the light of dramatic political change to argue that the appropriate response is to engage with new power holders. This is not an immediate issue for Australia in any formal sense, since (a) the Australian Embassy in Afghanistan closed on 28 May 2021, and a *chargé d'affaires* to Afghanistan is mentioned, although not identified, on the website of the Department of Foreign Affairs and Trade; and (b) Australia for more than 30 years has had a formal policy of recognising states only. Informally, and for purely pragmatic reasons, it may be necessary to engage with the Taliban in Qatar in order to facilitate the evacuation of remaining Australian citizens, permanent residents, visa holders, and others with strong claims to Australian protection. But there is much to be said for declining to engage with the Taliban at any higher level. The behaviour of the Taliban since occupying Kabul has been sharply at odds with international norms,²⁷ notably in their treatment of women and ethnic minorities. *There is a real danger that any steps to accord them recognition at this point would be read by the Taliban as an indicator that they could openly violate important international norms and expect to get away with it.*

22. Successive Australian governments have appropriately taken a very strong stand against the destructive phenomenon of terrorism. If, as a careful recent study suggests, 'terrorism is a method that entails the use of violence or force or the threat of violence or force with the primary purpose of

²⁵Marise Payne and Peter Dutton, 'Stick to process: Government is working hard to help Afghans who helped us', *The Daily Telegraph*, 14 July 2021.

²⁶Tom Burns and G.M. Stalker, *The Management of Innovation* (New York: Oxford University Press, 1994).

²⁷Amnesty International, *The Fate of Thousands Hanging in the Balance: Afghanistan's Fall into the Hands of the Taliban* (London: Amnesty International, ASA 11/4727/2021, September 2021); Human Rights Watch, *Afghanistan: Taliban Abuses Cause Widespread Fear* (New York: Human Rights Watch, 23 September 2021).

generating a psychological impact beyond the immediate victims or object of attack for a political motive',²⁸ then the Taliban *plainly* fall within the category of terrorists, even if Western governments have been reluctant to say so.²⁹ The branch of the Taliban known as the 'Haqqani network' *has* been formally designated as a terrorist group under the law of the United States, the United Kingdom and Canada, and the indifference of the Taliban to global concerns about terrorism was plainly demonstrated when they named as their 'interior minister' the head of this network, Sirajuddin Haqqani, a man whom the FBI has included on its 'Most Wanted List' as a 'specially designated global terrorist', with a US\$10 million reward on offer for information leading directly to his arrest.

23. Recommendation 7: We strongly recommend that the Committee *affirm that any formal engagement with such groups risks undermining the credibility of activities directed at countering violent extremism in Australia's region, and risks legitimising individuals listed on most together with their agendas.*

24. Afghanistan in the 20 years from 2001 developed a vibrant civil society, with the freest media in the entire region, and massive commitment to education as the pathway out of Afghanistan's troubles. All that has now been undone with the return of the Taliban. For the most part, civil society activists are either in hiding, or have been scattered to different parts of the world because of the immediate dangers that confronted them in Afghanistan. While some courageous groups, especially women, continue to protest, and the potential for 'contentious politics' in the form of mass demonstrations is considerable, many critical voices, abandoned by the very Western powers that encouraged them to speak out, have been stilled. For that reason, it is extremely important that governments such as Australia's remain focused on what is happening in Afghanistan, and speak out forthrightly in whatever fora are available against the kind of actions that the Taliban are taking. This may be done in cooperation with Afghan embassies *not* under the control of the Taliban, whose diplomats are well informed about the emerging tragedy in their country.

(c) (iv) how the Australian Government should respond to recent developments in Afghanistan in order to protect Australian citizens, visa holders, and Afghan nationals who supported Australian forces, where they remain in Afghanistan

25. Several steps are available to protect vulnerable people in these categories. First, a particularly urgent matter is to ensure that the validity of category 449 visas issued to people at risk who were unable to escape on evacuation flights is automatically extended in recognition of the difficulties that may confront such people trying at this point to escape. Second, there should be a considerable expansion in the number of resettlement places made available for Afghans with humanitarian claims. Australia's offer of 3000 places during the 2021- 2022 financial year, with only the prospect of some increase in the future, compares unfavourably with Canada's recent doubling of its target to 40,000.³⁰ Third, all Afghans in Australia should be eligible to sponsor those in need, irrespective of their visa status or category. Fourth, as there is no realistic prospect that Afghan refugees in Australia with TPV or SHEV status will be able to return to Afghanistan in the foreseeable future, their visas should be made permanent; it is a waste of taxpayers' money to prolong the fiction that they are not now part of

²⁸Anthony Richards, *Conceptualizing Terrorism* (Oxford: Oxford University Press, 2015) p.146.

²⁹See William Maley, 'Terrorism and insurgency in Afghanistan', in M. Raymond Izarali and Dalbir Ahlawat (eds), *Terrorism, Security and Development in South Asia: National, Regional and Global Implications* (London: Routledge, 2021) pp.140-156

³⁰Rick Gladstone and Ian Austen, 'Canada Doubles Its Afghan Refugee Resettlement Target to 40,000 People', *The New York Times*, 27 September 2021.

the Australian community, money that could better be used to reduce the large backlogs in the processing of partner visas and citizenship applications. Fifth, there should be particular assistance offered to alumni of Australian universities, whose achievements were celebrated by the Australian Embassy in Afghanistan following the establishment in 2012 of an Alumni Association for Australia Awards recipients, something noted by the government in its response to the May 2013 Committee Report. Sixth, there needs to be a concerted effort to cut back on the red tape surrounding sponsorship under the Humanitarian Program, and for improved instructions as to eligibility. For example, the website of the Department of Home Affairs (<https://www.homeaffairs.gov.au/help-and-support/afghanistan-update>) states that 'Afghan citizens outside Australia (including those in Afghanistan) can apply for Australia's Humanitarian Program', and directs readers to 'Form 842 Application for an Offshore Humanitarian visa'. But when one reads the fine print, one learns that of the five visa 'subclasses' covered by the form, all but two (In-country Special Humanitarian – subclass 201, and Emergency Rescue – subclass 203) require that the applicant be living 'outside' his or her 'home country'; and for good measure Form 842 adds that 'Only a small number of places are available' under subclass 201, and that 'Requests for urgent assistance' under subclass 203 'are usually made on your behalf by the UNHCR'. At this moment, therefore, it is far from clear that more than a tiny number of the 3000 places hypothecated for Afghan citizens from within the existing Humanitarian Program will be accessible to those with a desperate need to escape from the Taliban's clutches.

26. Amongst those to whom Australia may have particular obligations by virtue of past professional association, two especially vulnerable groups stand out. One is Afghan women, whom the Taliban show every sign of wishing to consign to the fringes of society. Australia, through its aid program, rightly invested heavily in support for women, and resettlement may be necessary to protect some of the beneficiaries, even if they lack sponsors within Australia. A second vulnerable group comprises members of the Hazara minority, who have a grim history in Afghanistan of marginalisation or worse.³¹ In August 1998, the Taliban massacred 2000 Hazaras in just three days in the city of Mazar-e Sharif.³² Hazara women may be the most vulnerable of all. The 1998 massacre serves as a reminder that there is an ongoing danger of mass atrocity crime in Afghanistan at the hands of the Taliban. Alarming, the Atrocity Forecasting Project of The Australian National University has ranked Afghanistan as one of the top five countries in the world at risk of genocide or politicide in 2021-23,³³ and this accords with warnings about risk factors elsewhere in 'early warning' research.³⁴ Hazaras make up a significant proportion of the Afghanistan-born population in Australia, and have proved notably entrepreneurial, aiding the process of resettlement.³⁵ But that said, it is important to recognise that the general

³¹Niamatullah Ibrahim, *The Hazaras and the Afghan State: Rebellion, Exclusion and the Struggle for Recognition* (London: Hurst & Co., 2017).

³²Rupert C. Colville, 'One Massacre That Didn't Grab the World's Attention', *International Herald Tribune*, 7 August 1999.

³³<https://politicsir.cass.anu.edu.au/research/projects/atrocity-forecasting/forecasts>

³⁴Barbara Harff, 'No Lessons Learned from the Holocaust? Assessing Risks of Genocide and Political Mass Murder since 1955', *American Political Science Review*, vol.97, no.1, February 2003, pp.57-73

³⁵See Jock Collins, Katherine Watson and Branka Krivokapic-Skoko, *From Boats to Businesses: The Remarkable Journey of Hazara Refugee Entrepreneurs in Adelaide* (Sydney: Centre for Business and Social Innovation, UTS Business School, 2017); Carly Copolov, Ann Knowles and Denny Meyer, 'Exploring the predictors and mediators of personal wellbeing for young Hazaras with refugee backgrounds in Australia', *Australian Journal of Psychology*, vol.70, no.2, 2018, pp.122-130; Aidan Parkes, 'Afghan-Hazara Migration and Relocation in a Globalised Australia', *Religions*, vol.11, no.12, 2020; David Radford and Heidi Hetz, 'Aussies? Afghans? Hazara refugees and migrants negotiating multiple identities and belonging in Australia', *Social Identities*, vol.27, no.3, 2021, pp.377-393.

vulnerabilities of women and Hazaras does not automatically trump the specific vulnerabilities of Afghans, outside these categories, who may also be at grave risk of being persecuted.

(d) any related matters

27. Given the length and cost of Australia's commitment to Afghanistan, it is very important that mechanisms of accountability be fully employed to ensure that the Australian government performed optimally in discharging its responsibilities. Follow-up is very important where accountability is concerned. Here, we would simply note that in its May 2013 report, the Committee recommended an investigation into the administration of Australian Leadership Awards scholarships, having concluded that a scholarship applicant had received incorrect advice, was given misleading information and 'overall subjected to a process that was highly unprofessional'.³⁶ In its response, the government stated that 'In January 2013, AusAID initiated a comprehensive independent investigation into the Australian Awards program in Afghanistan. This investigation is expected to conclude shortly ... The government will decide separately on the release of the independent investigation report'.

28. Recommendation 8: We recommend that the Committee *determine whether any such report was ever produced*.

29. A lesson of recent years should be that it is dangerous to over-hype the quality and value of intelligence gathered by the United States. The ability to collect information through sophisticated electronic means is very different from the ability to contextualise such information and appreciate its implications. Without an understanding of specific histories and cultural complexities, making sense of raw data can be very difficult. This is a problem that can arise at the strategic level, as spurious claims about weapons of mass destruction in Iraq made clear.³⁷ It can also arise operationally, as became tragically apparent when a US drone strike on 29 August, prompted by an earlier suicide bombing in the vicinity of Kabul airport, killed ten entirely innocent people, seven of them children, on the basis of what was later admitted to be a mistaken conclusion that they were involved in terrorist activity.³⁸ This should prompt considerable scepticism about the likely capability of the US to conduct remote, 'over the horizon' counterterrorism strikes in Afghanistan that hit the right targets.

30. We would offer one final observation. The situation in Afghanistan is *still very much in flux*. The Taliban arrival at the gates of Kabul in August 2021 did not simply precipitate the flight of senior members of the *government*; it also triggered an unravelling of the instrumentalities of the *state*. The operations of state agencies critical for the practice of governance have been compromised by the loss of key educated personnel, and of revenues supplied by Afghanistan's international backers. The brain drain has been compounded by the Taliban's banning of women from work and education, a brain lockout that has deprived Afghanistan of vital human capital. There is no prospect that the Taliban's Pakistani patrons, or even governments such as the Chinese, will supply resources on the scale that would be required to bridge the gap, and the Taliban are completely lacking in the skilled personnel required to staff complex agencies. It is hard to think of a single figure in their senior ranks with anything like a 'modern' education. Furthermore, the banking system is on the verge of collapse, and with winter coming, the possibility of mounting protests against the Taliban, and splintering within the

³⁶ *Australia's overseas development programs in Afghanistan*, para.9.40.

³⁷ See Robert Jervis, *Why Intelligence Fails: Lessons from the Iranian Revolution and the Iraq War* (Ithaca: Cornell University Press, 2010).

³⁸ Eric Schmitt, 'A Botched Drone Strike in Kabul Started With the Wrong Car', *The New York Times*, 21 September 2021.

Taliban movement itself, should not be discounted. A recent *Financial Times* report recorded that a highly-experienced Afghanistan expert had 'said there was a "fair chance the whole rickety regime won't last six months"'.³⁹ An unravelling of the Taliban regime is not inevitable, but it is rather more likely than much press commentary might lead one to believe. Australian policymakers need to bear this in mind.

³⁹Jon Boone, 'Taliban confront reality: "30m people to look after and no money to do it with"', *The Financial Times*, 1 October 2021. The expert in question was Professor Michael Semple of the Queen's University Belfast.